

Article 7. Authorization Requirements for Universal Waste Handlers Who Treat Universal Wastes**§66273.70. Applicability.**

(a) Except as otherwise provided in subsections (b), (c), and (d) of this section, a universal waste handler, who treats universal waste, is subject to all applicable requirements of chapters 14, 15, 16, 18, 20, and 22 of this division with respect to the treatment of that universal waste.

(b) Except as otherwise provided in subsection (d) of this section, a universal waste handler who manages a universal waste and its integral components, or the components specified below that the handler has removed from the universal waste, for purposes of recycling it or its component(s) by performing one or more activities listed in one or more of the three categories given in subsection (c) of this section, shall be deemed authorized by the Department to conduct those activities, provided the universal waste handler complies with the applicable requirements of this article in addition to the applicable requirements of subsection (c) of section 66273.33, and to the applicable requirements of subsections (a)(1), (b)(1), and (c)(1) of section 66273.33.5. The authorization created by this subsection shall not be deemed to be any of the following:

- (1) A permit-by-rule;
- (2) A conditional authorization; or
- (3) A conditional exemption.
- (c) Activities eligible for authorization pursuant to subsection (b) of this section are any of the following:
 - (1) Removal activities. Removing user-replaceable components from electronic devices, as specified in section 66273.71.
 - (2) Disassembling/draining activities.
 - (A) Removing CRTs from electronic devices, as specified in section 66273.72, subsection (b);
 - (B) Dismantling electronic devices that are not CRT devices and/or removing yokes from CRTs, as specified in section 66273.72, subsection (c);
 - (C) Removing mercury ampules and/or mercury switches from mercury-containing equipment, as specified in section 66273.72, subsection (d); and/or
 - (D) Draining liquid mercury from pressure or vacuum gauges, as specified in section 66273.72, subsection (e).
 - (3) Treatment activities.
 - (A) Treating electronic devices and/or residual printed circuit boards, as specified in section 66273.73, subsection (a); and/or
 - (B) Treating CRTs and/or CRT glass, as specified in section 66273.73, subsection (b).
- (d) A universal waste handler, who manages universal waste as a consequence of responding to a release in accordance with section 66273.37, is exempt from the otherwise applicable requirements of this article and of chapters 14, 15, 16, 18, 20, and 22 of this division with respect to such treatment of the waste.

Note: Authority cited: Sections 25141, 25150, 25201, 25214.6, 25214.9, 26219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25212, 25214.6, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code.

HISTORY

1. New article 6 (section 66273.70) and section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
2. New article 6 (section 66273.70) and section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.
3. New article 6 (section 66273.70) and section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.
4. New article 6 (section 66273.70) and section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.
5. New article 6 (section 66273.70) and section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.
6. New article 6 (section 66273.70) and section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of

Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.

7. Certificate of Compliance as to 11-2-2001 order transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).

8. Repealer of article 6 (section 66273.70), new article 7 heading and repealer and new section filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.71. Authorization for Removal Activities

(a) Removing user-replaceable components.

A universal waste handler, who conducts the activities identified in subsections (b) and (c) of this section on electronic devices, shall be deemed authorized by the Department to perform these activities, and is exempt from the requirements of sections 66273.74 through 66273.77, provided the universal waste handler complies with the requirements specified in subsections (b) through (g) of this section.

(b) A universal waste handler shall remove only those discrete assemblies, such as batteries or ink cartridges, which are typically removed for replacement during the normal operation of an electronic device.

(c) A universal waste handler shall conduct the removal of the discrete assemblies in the manner that is prescribed in the operating manual for the electronic device, or in a manner that would otherwise reasonably be employed during the normal operation of the electronic device.

(d)(1) A universal waste handler shall perform a hazardous waste determination pursuant to section 66262.11 for all residuals resulting from the activities authorized by subsection (a) of this section, and shall:

(A) Be deemed the generator of all residuals that are hazardous waste.

(B) For all residuals that are hazardous wastes, comply with all the applicable requirements of chapters 12, 14, 15, 16, 18, 20, 22 and 23 of this division and the applicable notification requirements in Health and Safety Code section 25153.6, except as otherwise provided in subsections (e) or (f) of this section;

(e) Notwithstanding section 66261.3, subsection (c) and section 66262.11, subsection (d), a handler who is deemed the generator of a residual that is a hazardous waste pursuant to subsection (d)(1) of this section may manage that hazardous waste residual pursuant to any applicable chapter 11 exclusion or exemption [e.g., the scrap metal exclusion provided in § 66261.6, subsec. (a)(3)(B)], except for residual printed circuit boards, which shall be managed pursuant to subsection (f) of this section.

(f)(1) Prior to conducting any subsequent treatment activity authorized by section 66273.73 on any residual printed circuit board resulting from removal activities conducted under this section, a universal waste handler shall manage the residual printed circuit board in a manner that prevents a release to the environment by:

(A) Containing the residual printed circuit board in a container that is structurally sound and compatible with the residual printed circuit board,

(B) Labeling the container with the following phrase: "Residual Printed Circuit Boards," and

(C) If the residual printed circuit board is spilled or might reasonably be expected to cause a release to the environment under reasonably foreseeable conditions, cleaning it up and placing it in a container.

(2) A universal waste handler who conducts any subsequent treatment activity authorized by section 66273.73 on any residual printed circuit board resulting from removal activities conducted under this section shall comply with section 66273.73, subsections (a)(1) and/or (a)(2), as applicable.

(3) A universal waste handler who does not conduct any of the subsequent treatment activities authorized by section 66273.73 on a residual printed circuit board resulting from removal activities conducted under this section shall manage the printed circuit board as prescribed in section 66273.75, subsection (c).

(g) Except as provided in subsections (e) or (f) of this section, a universal waste handler who conducts further treatment on any residual that is a hazardous waste resulting from any activity authorized by this section shall not conduct such treatment, nor use any treatment method, unless that person obtains a hazardous waste facility permit or other form of authorization from the Department.

NOTE: Authority cited: Sections 25141, 25150, 25201, 25214.9, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25212, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code.

HISTORY

1. New section filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.72. Authorization for Disassembling/Draining Activities.

(a)(1) Universal waste handlers shall not conduct any activity pursuant to this section if the activity involves the use or application of:

(A) Chemicals, including water; and/or

(B) External heat.

(2) A universal waste handler shall perform a hazardous waste determination pursuant to section 66262.11 for all residuals resulting from the activities authorized by subsection (c) of this section, and shall:

(A) Be deemed the generator of all residuals that are hazardous waste.

(B) For all residuals that are hazardous wastes, comply with all the applicable requirements of chapters 12, 14, 15, 16, 18, 20, 22 and 23 of this division and the applicable notification requirements in Health and Safety Code section 25153.6, except as otherwise provided in subsections (a)(3), (a)(4), (a)(6) or (a)(7) of this section.

(3) Notwithstanding section 66261.3, subsection (c) and section 66262.11, subsection (d), a handler who is deemed the generator of a residual that is a hazardous waste pursuant to subsection (a)(2)(A) of this section may manage that hazardous waste residual pursuant to any applicable chapter 11 exclusion or exemption [e.g., the scrap metal exclusion provided in § 66261.6, subsec. (a)(3)(B)], except for residual printed circuit boards, which shall be managed pursuant to subsection (a)(4) and (a)(5), or (a)(6) of this section.

(4) Prior to conducting any subsequent treatment activity authorized by section 66273.73 on any residual printed circuit board resulting from removal activities conducted under this section, a universal waste handler shall manage the residual printed circuit board in a manner that prevents a release to the environment by:

(A) Containing the residual printed circuit board in a container that is structurally sound and compatible with the residual printed circuit board,

(B) Labeling the container with the following phrase: "Residual Printed Circuit Boards," and

(C) If the residual printed circuit board is spilled or might reasonably be expected to cause a release to the environment under reasonably foreseeable conditions, cleaning it up and placing it in a container.

(5) A universal waste handler who conducts further treatment pursuant to section 66273.73 on any residual printed circuit board, CRT-residual, and/or CRT glass-residual resulting from any activity authorized by this section shall also comply with the applicable requirements of that section.

(6) A universal waste handler who does not conduct further treatment pursuant to section 66273.73 on a residual printed circuit board resulting from removal activities conducted under this section shall manage the printed circuit board as prescribed in section 66273.75, subsection (c).

(7) Except as provided in subsections (a)(3), (a)(5) or (a)(6) of this section, a universal waste handler who conducts further treatment on any residual that is a hazardous waste resulting from any activity authorized by this section shall not conduct such treatment, nor use any treatment method, unless that person obtains a hazardous waste facility permit or other form of authorization from the department.

(b) Removing CRTs from electronic devices that are CRT devices.

A universal waste handler who conducts the activity identified in subsection (b)(1) of this section on electronic devices that are CRT devices shall be deemed authorized by the Department to do so, provided the universal waste handler complies with the requirements specified in this subsection.

(1) The universal waste handler shall remove CRTs from electronic devices in a manner that prevents breakage of the CRTs.

(2) The universal waste handler shall be exempt from the notification, annual reporting, and recordkeeping requirements specified in section 66273.74, but shall:

(A) Remove CRTs only over, on, or in, a containment device (e.g., a tray, a box, a workbench, a table, or an enclosed machine) sufficient in size and construction to contain any CRT glass that may be released to the environment under reasonably foreseeable conditions in the event of breakage;

(B) Ensure that persons removing CRTs are thoroughly familiar with the techniques and safety precautions required to remove CRTs safely (e.g., releasing the vacuum from each CRT and discharging the CRT);

(C) Place the removed CRTs in a container with packing materials, if such materials are necessary to prevent breakage of the CRTs during handling, storage and transportation; and

(D) Manage the packaged CRTs in accordance with the requirements of section 66273.33.5, subsection (b).

(c) Dismantling electronic devices that are not CRT devices and/or removing yokes from CRTs.

A universal waste handler who conducts any of the activities identified in subsection (c)(1) of this section shall be deemed authorized by the Department to do so, provided the universal waste handler complies with the requirements in this subsection.

(1) The universal waste handler:

(A) Dismantles, or otherwise manually segregates, components (e.g., circuit boards, integrated circuits, metals, plastic, wiring, batteries, lamps, etc.) from an electronic device, or

(B) Removes the yokes from CRTs but does not break the CRT glass.

(2) The universal waste handler shall:

(A) Comply with the notification, annual reporting, and recordkeeping requirements specified in section 66273.74, subsections (a) through (c)(1);

(B) Ensure that all activity residuals meeting either the definition of scrap metal in section 66260.10 or the definition of CRT glass in section 66273.9 are recycled; and

(C) Conduct the activities in a manner that protects persons managing the electronic devices and/or the CRTs, and that prevents releases of any universal wastes and/or any components of universal wastes, to the environment under reasonably foreseeable conditions, as follows:

1. Dismantle electronic devices and/or remove yokes from CRTs over, on, or in, a containment device (e.g., a tray, a box, a workbench, a table, or an enclosed machine) sufficient in size and construction to contain any universal waste and/or component of such waste that may be released to the environment under reasonably foreseeable conditions.

2. Contain any hazardous residuals produced from dismantling electronic devices and/or removing yokes from CRTs in a manner that prevents releases of the residuals to the environment under reasonably foreseeable conditions.

3. Immediately clean up and place in a container any electronic device and/or CRT that is accidentally or unintentionally broken and that may reasonably be expected to cause a release to the environment under reasonably foreseeable conditions. Such a container shall be structurally sound, be compatible with the contents of the electronic device and/or CRT, and prevent releases to the environment under reasonably foreseeable conditions.

4. Place CRTs in containers with packing materials, if such materials are necessary to prevent breakage during handling, storage and transportation.

5. Ensure that persons performing the activities are thoroughly familiar with the hazards associated with such treatment, have access to the proper procedures and protective equipment necessary to conduct the treatment safely, use such protective equipment if required by any applicable health and safety requirements, and comply with the requirements of this section;

6. Ensure that the facility is operated in compliance with all applicable health and safety laws and regulations [e.g., Cal. Code Regs., tit. 8, ch. 4 (Division of Industrial Safety) subch. 7 (General Industry Safety Orders), group 16 (Control of Hazardous Substances), art. 107 (Dusts, Fumes Vapors and Mists), and art. 109 (Hazardous Substances and Processes), and sec. 5198 (Lead)].

7. Ensure that the facility maintains aisle spacing in compliance with applicable fire safety code standards in California.

(d) Removing mercury ampules and/or mercury switches from mercury-containing equipment.

A universal waste handler, who conducts one or more of the activities identified in subsection (d)(1) of this section, shall be deemed authorized by the Department to do so, provided the universal waste handler complies with the requirements specified in subsection (d)(2) of this section.

(1) The universal waste handler removes mercury ampules and/or mercury switches from mercury-containing equipment.

(2) The universal waste handler shall be exempt from the notification, annual reporting, and recordkeeping requirements specified in section 66273.74, subsections (a) through (c)(1), but shall:

(A) Comply with the recordkeeping requirements specified in section 66273.74, subsection (c)(2); and

(B) Conduct the activities in a manner that protects persons managing the mercury ampules and/or the mercury switches, and that prevents releases of any universal wastes and/or any components of universal wastes, to the environment, as follows:

1. Remove the mercury ampules and/or the mercury switches in a manner designed to prevent their breakage.

2. Remove the mercury ampules and/or the mercury switches only over, on, or in, a containment device (e.g., a tray or pan) sufficient to contain any liquid mercury that may be released to the environment (e.g., from a mercury ampule accidentally broken during removal).

3. Ensure that a mercury clean-up system is readily available for immediately transferring from the containment device to an airtight container meeting the requirements of section 66262.34, any mercury spilled or leaked from broken mercury ampules and/or mercury switches.

4. Transfer immediately from the containment device to an airtight container meeting the requirements of section 66262.34, any mercury spilled or leaked from broken mercury ampules and/or mercury switches.

5. Ensure that the area in which mercury ampules and/or mercury switches are removed is well ventilated and monitored to ensure compliance with applicable Occupational Safety and Health Administration (OSHA) and CalOSHA exposure levels for mercury.

6. Ensure that employees removing mercury ampules and/or mercury switches are thoroughly familiar with proper handling and emergency procedures relevant to mercury and to the employees' responsibilities during normal facility operations and emergencies, including transfer of mercury from containment devices to appropriate containers.

7. Pack in containers removed mercury ampules and/or mercury switches with packing materials adequate to prevent breakage of those ampules and/or switches during storage, handling, and transportation.

8. Store removed mercury ampules and/or mercury switches in closed, non-leaking containers that are in good condition.

(e) Draining liquid mercury from pressure or vacuum gauges.

A universal waste handler, who conducts one or more of the activities identified in subsection (e)(1) of this section, shall be deemed authorized by the Department to do so, provided the universal waste handler complies with the requirements specified in subsection (e)(2) of this section.

(1) The universal waste handler drains liquid (i.e., elemental) mercury from pressure or vacuum gauges generated by that universal waste handler, at the site where those pressure or vacuum gauges were generated.

(2) The universal waste handler shall be exempt from the notification, annual reporting, and recordkeeping requirements specified in section 66273.74, but shall:

(A) Ensure that all activity residuals meeting the definition of scrap metal in section 66260.10 are recycled.

(B) Conduct the activities in a manner that protects persons managing the pressure or vacuum gauges, and that prevents releases to the environment of any universal wastes and/or any components of universal wastes, as

follows:

1. Except as otherwise provided in subsections (e)(2)(B)2. through (e)(2)(B)7. of this section, fulfill all requirements for removing mercury ampules and/or mercury switches pursuant to subsection (d)(2) of this section.
 2. Ensure that the activities are performed safely by developing and implementing a written procedure detailing how to drain elemental mercury from pressure or vacuum gauges properly. This procedure shall address: the type of equipment to be used to drain the pressure or vacuum gauges safely; the operation and maintenance of the equipment; the appropriate personal protective equipment; the segregation of incompatible wastes; the proper waste management practices; the spill response procedures; and the characterization of wastes.
 3. Transfer drained elemental mercury to a designated container immediately. The designated container shall be kept closed (except when adding or removing elemental mercury), be structurally sound, be compatible with elemental mercury, and lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
 4. Store drained elemental mercury in a container that meets the requirements of subsection (d)(2)(B)3. of this section.
 5. Ensure that any container into which elemental mercury from a pressure or vacuum gauge is drained, or in which drained elemental mercury is stored, is placed into a secondary container that is in good condition, compatible with elemental mercury, and large enough to accommodate the contents of the primary container if it should leak or break.
 6. Maintain for each designated container described in subsection (e)(2)(B)3. of this section, documentation that includes: the date when accumulation of elemental mercury in the container began; a description of the pressure or vacuum gauges from which the elemental mercury originated; the cumulative quantity of elemental mercury in the container; and the date when accumulation of elemental mercury in the container ended [i.e., when the container was either full or reached the limit specified in subsection (e)(2)(B)7. of this section].
 7. Accumulate no more than 35 kilograms (77 pounds) of elemental mercury at any one time.
- (C)1. Determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11 of this division:
- a. Intact, or partially intact, pressure or vacuum gauges from which elemental mercury has been drained;
 - b. Elemental mercury or clean-up residues resulting from spills or leaks associated with handling pressure or vacuum gauges; and/or
 - c. Other wastes generated as a result of handling pressure or vacuum gauges.
2. Manage, in compliance with all applicable requirements of this chapter, an intact, or partially intact, pressure or vacuum gauge from which elemental mercury has been drained, if that pressure or vacuum gauge exhibits a characteristic of hazardous waste.
3. Manage, in compliance with all applicable requirements of this division, elemental mercury and/or clean-up residues resulting from spills or leaks, and/or other wastes, if the elemental mercury, clean-up residues, and/or other wastes exhibit a characteristic of hazardous waste. The universal waste handler is considered the generator of the elemental mercury, clean-up residues, and/or other wastes and shall manage them pursuant to chapter 12 of this division.
4. Manage, in any way that complies with all applicable federal, state and/or local solid waste regulations, an intact, or partially intact, pressure or vacuum gauge, elemental mercury and/or clean-up residue, and/or other waste if they do not exhibit a characteristic of hazardous waste.

NOTE: Authority cited: Sections 25141, 25150, 25201, 25214.6, 25214.9, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25212, 25214.6, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code.

HISTORY

1. New section filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.73. Authorization for Treatment (Processing) Activities.

- (a) Treatment of electronic devices.
 - (1) A universal waste handler described in subsection (a)(1)(A) of this section shall be deemed authorized by the Department to conduct the activities identified in subsection (a)(1)(B) of this section, provided the universal waste handler complies with the requirements specified in subsections (a)(1)(B) and (a)(1)(C) of this section.
 - (A) The universal waste handler treats electronic devices and/or residual printed circuit boards for which the handler is deemed to be the generator pursuant to sections 66273.71 and/or 66273.72 and produces only residuals that, if they exhibit any hazardous waste characteristic described in article 3 of chapter 11 of this division, will meet either of the following criteria when managed pursuant to section 66273.75, subsection (c):
 1. They meet the definition of scrap metal in section 66273.9; or
 2. They qualify for management as universal wastes pursuant to this chapter.
 - (B) The universal waste handler treats electronic devices and/or residual printed circuit boards for which the handler is deemed to be the generator pursuant to sections 66273.71 and/or 66273.72 by conducting activities other

than, or in addition to, the removal activities authorized in section 66273.71 or the disassembling/draining activities authorized by section 66273.72, and using only one or more of the methods allowed pursuant to subsection (c) of this section.

(C) The universal waste handler complies with all of the following requirements in addition to the requirements of section 66273.33.5, subsection (a)(1):

1. The notification, annual reporting, and recordkeeping requirements specified in section 66273.74; and
2. The standards specified in section 66273.75.

(2) A universal waste handler described in subsection (a)(2)(A) of this section shall be deemed authorized by the Department to conduct the activities identified in subsection (a)(2)(B) of this section, provided the universal waste handler complies with the requirements specified in subsections (a)(2)(B) and (a)(2)(C) of this section.

(A) The universal waste handler treats electronic devices and/or residual printed circuit boards for which the handler is deemed to be the generator pursuant to sections 66273.71 and/or 66273.72 and produces any residual that exhibits a hazardous waste characteristic described in article 3 of chapter 11 of this division when managed pursuant to section 66273.75, subsection (c) and meets both of the following criteria:

1. It does not meet the definition of scrap metal in section 66273.9; and
2. It does not qualify for management as universal wastes pursuant to this chapter.

(B) The universal waste handler treats electronic devices and/or residual printed circuit boards for which the handler is deemed to be the generator pursuant to sections 66273.71 and/or 66273.72 by conducting activities other than, or in addition to, the removal activities authorized in section 66273.71 and the disassembling/ draining activities authorized in section 66273.72, and using only one or more of the methods allowed pursuant to subsection (c) of this section.

(C) The universal waste handler complies with all of the following requirements in addition to the requirements of section 66273.33.5, subsection (a)(1):

1. The notification, annual reporting, and recordkeeping requirements specified in section 66273.74;
2. The standards specified in section 66273.75;
3. The closure plan and financial requirements specified in section 66273.76; and
4. When applicable, the closure requirements specified in section 66273.77.

(b) Treating CRTs and/or CRT glass.

A universal waste handler described in subsection (b)(1) of this section shall be deemed authorized by the Department to conduct the activities identified in subsection (b)(2) of this section, provided the universal waste handler complies with the requirements specified in subsections (b)(2) and (b)(3) of this section.

(1) The universal waste handler treats CRTs, breaking the CRTs' glass.

(2) The universal waste handler treats CRTs by: conducting activities other than, or in addition to, the disassembling/ draining activities authorized by section 66273.72, subsections (b) or (c); and using only one or more of the methods allowed pursuant to subsection (c) of this section.

(3) The universal waste handler complies with all of the following requirements in addition to the requirements of section 66273.33.5, subsection (b)(1) and section 66273.33.5, subsection (c)(1):

- (A) The notification, annual reporting, and recordkeeping requirements specified in section 66273.74;
 - (B) The standards specified in section 66273.75;
 - (C) The closure plan and financial requirements specified in section 66273.76; and
 - (D) When applicable, the closure requirements specified in section 66273.77.
- (c) Electronic device, CRT, and residual printed circuit board treatment methods allowed.

(1) Except as otherwise provided in subsection (c)(2) of this section, one or more of the following treatment methods is eligible for authorization pursuant to this section, if performed by a universal waste handler described in subsections (a) and/or (b) of this section:

(A) Physical treatment that changes only the physical properties of electronic devices, residual printed circuit boards, and/or CRTs, such as cutting, sawing, breaking, shredding, crushing, grinding, screening, sieving, acceleration, or compacting (e.g., screening to separate different particle sizes of the same component);

(B) Physical separation based on differences in physical properties such as size, color, density, or ferromagnetism (e.g., screening to separate different components based on differences in their sizes);

(C) Use of a pinpoint torch or hot wire to check (i.e., thermally crack) CRTs for glass separation; and/or

(D) Sampling, burning (ashing) and ball-milling of samples of electronic devices and/or treatment residues thereof [i.e., shredded circuit boards excluded under 40 C.F.R. sec. 261.4(a)(13)] provided the sample size does not exceed 250 kg, and no more than 250 kg (one sample) is subject to thermal assay per 24 hour period.

(2) Any treatment activity identified in subsection (c)(1) of this section is not eligible for authorization pursuant to this article, but is instead subject to all applicable requirements of chapters 14, 15, 16, 18, 20, and 22 of this division, if the treatment activity involves:

(A) The use or application of:

1. Chemicals, including water, other than coolant recirculated in CRT cutting machines; and/or
2. External heat.

(B) Except as specifically provided in subsection (c)(1)(D), the onsite treatment of the residuals resulting from the activities authorized by section 66273.73, subsection (a)(1) or (a)(2).

(C) The treatment of any electronic device containing PCBs, a medical waste, a radioactive material, a

reactive material, or an ignitable material.

(d)(1) Notwithstanding subsections (a)(1)(B), (a)(2)(B) and (b)(2) of this section, the authorizations provided in this section shall not be required for a handler who recycles scrap metal, including printed circuit boards produced by an authorized handler.

(2) As used in this subsection, "printed circuit boards produced by an authorized handler" means residual printed circuit boards that a handler has:

(A) derived from electronic devices by completing treatment authorized under this article,

(B) containerized and labeled pursuant to section 66273.75, subsection (b), and

(C) subsequent to the authorized treatment, determined to be exempt scrap metal pursuant to section 66273.71, subsection (e), section 66273.72, subsection (a)(3), or section 66273.75, subsection (c)(1)(C).

NOTE: Authority cited: Sections 25141, 25150, 25201, 25214.9, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25212, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code.

HISTORY

1. New section filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.74. Notification, Annual Reporting, and Recordkeeping.

(a) Notification.

(1) Universal waste handlers of electronic devices and/or CRTs.

Except as otherwise provided in sections 66273.71 and 66273.72, a universal waste handler who intends to treat any electronic device and/or CRT pursuant to this article shall submit to the Department at the address given in subsection (e) or (f) of this section, an electronic or written notification containing the following information no later than 30 calendar days prior to treating any electronic device and/or CRT:

(A) Name of universal waste handler;

(B) Telephone number of universal waste handler;

(C) Mailing address of universal waste handler, and physical address, including county, if different from the mailing address;

(D) If different from the notifier pursuant to subsection (a) of this section, the name and mailing address of the organization (as authorized to transact business in California) that owns and/or operates the facility;

(E) Name, business telephone number, and e-mail address (if available) of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;

(F) Facility ID Number, if issued;

(G) A general description of the source(s) of electronic devices and/or CRTs [e.g., residential collection(s), other collector(s), etc.];

(H) Type(s) of electronic devices and/or CRTs expected to be treated;

(I) A description of the treatment process(es) to be used; and

(J) Documentation that the facility operator has notified the facility property owner (if different from the operator of the facility) that the facility operator is treating electronic devices and/or CRTs at the facility.

(2) Universal waste handlers of mercury ampules, mercury switches, and/or pressure or vacuum gauges: Any universal waste handler who intends to treat any equipment containing mercury ampules and/or mercury switches, and/or to treat any pressure or vacuum gauge, pursuant to this article is not required to notify the Department pursuant to this section.

(b) Annual reporting.

(1) Universal waste handlers of electronic devices and/or CRTs.

Except as otherwise provided in sections 66273.71 and 66273.72, a universal waste handler who treated any electronic device and/or CRT pursuant to this article in a calendar year shall, by February 1 of the following year, submit to the Department at the address given in subsection (e) or (f) of this section, an electronic or written annual report containing the information specified in subsection (b)(1)(A) through (b)(1)(J) of this section. The information submitted shall cover the electronic device treatment and CRT treatment activities conducted during the previous calendar year.

(A) Name, mailing address (and physical address, including county, if different from the mailing address), and telephone number of the universal waste handler;

(B) A description of the facility;

(C) Name and mailing address of the organization (as authorized to transact business in California) that owns and/or operates the facility;

(D) Name, title, telephone number, and e-mail address (if available) of the contact person at the universal waste handler's physical address who should be contacted regarding universal waste management activities at that location;

(E) Facility ID Number, if issued;

(F) Number of days the facility operated;

(G) Types of electronic devices and/or CRTs treated at the facility;

(H) Treatment method used for each type of electronic device and/or CRT treated at the facility;

(I) The following quantities treated, which include any quantities treated but not shipped:

1. The total quantity of CRT devices (count) treated during the previous calendar year;
2. The total quantity of CRTs (count) treated during the previous calendar year; and/or
3. The total quantity of electronic devices other than CRT devices (count or weight) treated during the previous calendar year.

(J) A list consisting of:

1. The name, address, and telephone number for each of the locations to which the universal waste handler shipped CRT glass, scrap metal, yokes, universal waste, and/or exempt materials during the previous calendar year; and

2. The following quantities shipped to each of those locations:

a. The total quantity of CRT glass (weight) shipped to that location during the previous calendar year, including in this case a declaration of whether that location is a CRT glass manufacturer and/or either a primary lead smelter or a secondary lead smelter;

b. The total quantity of residual printed circuit boards and scrap metal (weight) from all treatment activities reported pursuant to this subsection shipped to that location during the previous calendar year;

c. The total quantity of yokes (weight) shipped to that location during the previous calendar year; and/or

d. The total quantity of universal waste (weight) shipped to that location during the previous calendar year.

(K) Whenever necessary, a universal waste handler who utilizes a mass-based inventory system to quantify CRTs, CRT devices, or electronic devices other than CRT devices, may convert mass data to count data through application of an appropriate conversion factor (e.g., 30 pounds per CRT) to fulfill the annual reporting requirement of this subsection (b). A universal waste handler who performs such a data conversion(s) shall indicate that the count data were derived from mass data and shall include the conversion factor(s) used in the annual report.

(2) Universal waste handlers of mercury ampules, mercury switches, and/or pressure or vacuum gauges:

Any universal waste handler who treated any equipment containing mercury ampules and/or mercury switches, and/or treated any pressure or vacuum gauge, pursuant to this article is not required to submit an annual report to the Department pursuant to this section.

(c) Recordkeeping.

(1)(A) Universal waste handlers of electronic devices and/or CRTs.

Except as otherwise provided in sections 66273.71 and 66273.72, a universal waste handler who treats any electronic device and/or CRT pursuant to this article shall maintain on file at the universal waste handler's facility, the following documents as specified:

1. A copy of the notification submitted to the Department as required by subsection (a) of this section, beginning no later than 30 days prior to treating any electronic device and/or CRT at the universal waste handler's facility;

2. A copy of the most recent annual report submitted to the Department as required by subsection (b) of this section, beginning no later than February 1 of the year following the most recent calendar year during which the universal waste handler treated any electronic device and/or CRT at the universal waste handler's facility pursuant to this article; and/or

3. A current copy of any local air district permit and/or other relevant permit required for the facility, beginning no later than the date on which the local air district and/or other relevant permitting authority required the universal waste handler to possess such a permit.

(B) The universal waste handler shall make available the relevant documents identified in subsections (c)(1)(A)1. through (c)(1)(A)3. of this section at the universal waste handler's facility upon request, to any representative of the Department, USEPA, or a local governmental agency having jurisdiction over the facility.

(C) The universal waste handler shall either deliver in person or send to the Department by certified mail, return receipt requested, a copy of any relevant document identified in subsection (c)(1)(A)3. of this section upon receipt of a written request from the Department. The Department shall specify in its written request all of the following: the identities of the documents of which copies are required; the place where those copies shall be delivered or sent; and the date by which those copies shall be submitted.

(2) Universal waste handlers of mercury switches.

Except as otherwise provided in sections 66273.71 and 66273.72, a universal waste handler who removes mercury switches from vehicles and/or household appliances shall keep records, on paper or electronically, of the removal of mercury switches from vehicles and/or household appliances for at least three years from the date of removal. The records shall include, at a minimum, the following information:

(A) The total number of vehicles crushed, baled, sheared, or shredded;

(B) The total number of appliances destined for shredding;

(C) The total number of vehicles or appliances destined for crushing, baling, shearing, or shredding that were determined to contain one or more mercury switches;

(D) The number of mercury switches removed from these vehicles and appliances; and

(E) The number of motor vehicles from which mercury switches could not be removed due to accidental damage to the vehicle.

(d) Notifications and annual reports required pursuant to subsections (a) and (b) of this section shall be

dated, signed, and certified according to the requirements of section 66270.11, subsections (a) and (d) as those requirements apply to permit applications and permit-application certifications, respectively.

(e) If submitted electronically, notifications and annual reports required pursuant to subsections (a) and (b) of this section shall be addressed to the Department at <http://www.dtsc.ca.gov>. For electronic notifications and annual reports made pursuant to this section, the universal waste handler signature required by subsection (d) of this section shall be submitted to the address provided in subsection (f) of this section.

(f) If submitted in writing, notifications and annual reports required pursuant to subsections (a) and (b) of this section shall be sent to the Department by certified mail, return receipt requested, at the following address: Department of Toxic Substances Control, Universal Waste Notification and Reporting Staff, P.O. Box 806, Sacramento, CA 95812-0806, with the words "Attention: Universal Waste Handling Activities" prominently displayed on the front of the envelope.

NOTE: Authority cited: Sections 25141, 25150, 25201, 25214.6, 25214.9, 26219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25212, 25214.6, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code.

HISTORY

1. New section filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.75. Treatment (Processing) Standards.

A universal waste handler who treats electronic devices, residual printed circuit boards, and/or CRTs pursuant to section 66273.73 shall comply with the following standards:

(a) Treatment.

The universal waste handler shall:

- (1) Utilize only treatment methods identified in section 66273.73, subsection (c);
- (2) Ensure that all mercury-containing lamps, PCB capacitors, and other components containing fluids (i.e., liquids or gases) that would be identified as hazardous wastes, are removed prior to treatment methods that may release the fluids such as cutting, sawing, breaking, shredding, crushing, grinding, screening, sieving, acceleration, or compacting;
- (3) Conduct treatment activities over, or in, a containment device (e.g., a tray, a box, a workbench, a table, or an enclosed machine) sufficient in size and construction to contain any materials that might be released to the environment under reasonably foreseeable conditions.
- (4) Ensure that all hazardous wastes generated from treatment activities and sent offsite for disposal are managed (i.e., manifested) in accordance with the applicable requirements of article 2 of chapter 12 of this division.
- (5) Comply with the requirements of sections 66265.18 and 66265.25 of chapter 15 of this division to the extent that those requirements apply to facility location and design standards.
- (6) Ensure that all treatment is conducted in compliance with all applicable state and local air pollution control laws and regulations.
- (7) Treat electronic devices and/or residual printed circuit boards only for the purpose of recycling one or more of their components and ensure that all treatment residuals meeting the definition of scrap metal in section 66273.9 are recycled and that all treatment residuals meeting the definition of CRT glass in section 66273.9 are recycled as specified below.
- (8) Treat CRTs only for the purpose of recycling one or more types of CRT glass and ensure that all the CRT glass is reclaimed at a CRT glass manufacturer or at a primary or secondary lead smelter.
- (9) Not accept for treatment, any electronic devices or CRTs that are managed, or that are required to be managed, as hazardous wastes pursuant to chapters 10 through 16, 18, 20 and 22 of this division, unless authorized to do so pursuant to a hazardous waste facility permit or other authorization granted by the Department pursuant to those chapters.

(b) Containment of residuals.

- (1) The universal waste handler shall manage all residuals produced from treating electronic devices, residual printed circuit boards, and/or CRTs, in a manner that prevents a release to the environment of any universal waste or any component thereof, as follows:
 - (2) Contain any residuals that are produced from treating electronic devices, residual printed circuit boards, and/or CRTs, in a manner that prevents releases of hazardous residuals to the environment under reasonably foreseeable conditions.
 - (3) Clean up and immediately place in a container any electronic device, residual printed circuit board, and/or CRT that is accidentally or unintentionally broken and that might reasonably be expected to cause a release to the environment under reasonably foreseeable conditions. Such containers shall be structurally sound, be compatible with the contents of the electronic devices, residual printed circuit boards, and/or CRTs, and prevent releases under reasonably foreseeable conditions.
 - (4) Until the determination pursuant to subsection (c)(1)(C) of this section is made that residual printed circuit boards and/or the residuals thereof are exempt scrap metal, these materials shall be managed in containers labeled with the following phrase: "Residual Printed Circuit Boards" or "Residual Printed Circuit Board Materials," as appropriate.

(c) Management of residuals.

(1) A universal waste handler shall perform a hazardous waste determination pursuant to section 66262.11 for all residuals resulting from the activities authorized by subsection (a) of this section, and shall:

(A) Be deemed the generator of all residuals that are hazardous waste.

(B) For all residuals that are hazardous wastes, comply with all the applicable requirements of chapters 12, 14, 15, 16, 18, 20, 22 and 23 of this division and the applicable notification requirements in Health and Safety Code section 25153.6, except as otherwise provided in subsection (c)(1)(C) of this section.

(C) Notwithstanding section 66261.3, subsection (c) and section 66262.11, subsection (d), a handler who is deemed the generator of a residual that is a hazardous waste pursuant to subsection (c)(1) of this section may manage that hazardous waste residual pursuant to any applicable chapter 11 exclusion or exemption [e.g., the scrap metal exclusion provided in § 66261.6, subsec. (a)(3)(B)].

(D) Except as allowed pursuant to subsection (c)(1)(C) of this section, a universal waste handler who conducts further treatment on any residual that is a hazardous waste resulting from any activity authorized by this section shall not conduct such treatment, nor use any treatment method, unless that person obtains a hazardous waste facility permit or other form of authorization from the Department.

(2) A universal waste handler whose treatment of electronic devices and/or CRTs generates CRT glass as defined in section 66273.9 shall ensure that all CRT glass-residuals are sent to a CRT glass manufacturer or to a primary or secondary lead smelter and recycled.

(d) Worker safety.

(1) A universal waste handler, who treats electronic devices, residual printed circuit boards, and/or CRTs, shall be thoroughly familiar with the hazards associated with such treatment, have access to the proper procedures and protective equipment necessary to conduct the treatment safely, use such protective equipment if required by any applicable health and safety requirements, and comply with the requirements of this section;

(2) A universal waste handler, who treats electronic devices, residual printed circuit boards, and/or CRTs, shall ensure that the universal waste handler's facility is operated in compliance with all applicable health and safety laws and regulations [e.g., Cal. Code Regs., tit. 8, ch. 4 (Division of Industrial Safety), subch. 7 (General Industry Safety Orders), group 16 (Control of Hazardous Substances), art. 107 (Dusts, Fumes Vapors and Mists), and art. 109 (Hazardous Substances and Processes), and sec. 5198 (Lead)].

(e) Zoning.

(1) A universal waste handler, who treats electronic devices, residual printed circuit boards, and/or CRTs using any of the methods allowed pursuant to this section, shall ensure that such treatment is consistent with local zoning requirements and land use patterns applicable to the universal waste handler's facility.

NOTE: Authority cited: Sections 25141, 25150, 25201, 25214.9, 25219.1 and 58012, Health and Safety Code; and Sections 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25212, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code; Sections 42479, Public Resources Code.

HISTORY

1. New section filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.76. Closure Plan and Financial Requirements.

(a) Except as otherwise provided in subsections (a)(4) and (b)(5) of this section, and in addition to the universal waste handler notification required pursuant to section 66273.74, subsection (a), a universal waste handler who intends to conduct one or more of the treatment activities described in section 66273.73, subsections (a)(2) and (b) shall submit the information specified in subsections (a)(1) through (d) of this section to the Department in the manner and at the address given in subsections (e) and (f) of this section, no later than 30 calendar days prior to initially conducting those treatment activities:

(1) Closure plan.

A universal waste handler shall prepare and submit a closure plan. When used in this chapter, "closure plan" means a written plan that identifies the activities and schedules for closing one or more universal waste treatment units at any point during the active life of a universal waste handler's facility. The closure plan shall address closing the universal waste treatment unit(s) at the point in the facility's active life when the extent and manner of its operation would make closure the most expensive. The closure plan shall include all of the following:

(A) A detailed description of the activities and schedule that are needed to decontaminate or remove at the time of closure:

1. Each universal waste treatment unit, including universal waste treatment units that also treat residual printed circuit boards that have been determined to be exempt scrap metal pursuant to section 66273.71, subsection (e), section 66273.72, subsection (a)(3), or section 66273.75, subsection (c)(1)(C);

2. All other contaminated equipment, such as ventilation systems and containment units;

3. Contaminated structures;

4. Contaminated soils; and

5. All hazardous wastes, including universal wastes in inventory, and universal waste treatment residuals.

(B) The description required by subsection (a)(1)(A) of this section shall identify all areas where sampling and testing will be conducted to verify the decontamination or removal of the items listed in that subsection.

(C) An estimated maximum inventory of universal wastes and universal waste treatment residuals ever to be present onsite, and a detailed description of the boundaries of the universal waste accumulation area(s), universal waste treatment unit(s), and treatment-residual storage area(s).

(2) A universal waste handler shall modify the closure plan required by subsection (a)(1) of this section whenever a change affecting the closure plan and specified in subsection (a)(2)(A) of this section occurs. The universal waste handler shall submit the modified closure plan to the Department in the manner and at the address given in subsections (e) and (f) of this section within the applicable time period specified in subsection (a)(2)(B) of this section.

(A) A change is a change in the type of treatment activity or an increase in facility capacity greater than 10 percent.

(B) The applicable time period is at least 30 calendar days prior to any planned change in facility design or operation, or no longer than 30 calendar days after an unexpected change has occurred.

(3) A universal waste handler shall keep at the universal waste treatment facility during the facility's operating life, the closure plan prepared for the facility in accordance with subsection (a)(1) of this section.

(4) Universal waste handlers who notify the Department of their intent to conduct one or more of the treatment activities described in section 66273.73, subsections (a)(2) and (b) on or before [OAL to insert effective date of these regulations] shall submit the closure plan required by subsection (a)(1) of this section on or before December 31, 2008.

(b)(1) Cost estimate for closure.

A universal waste handler shall prepare and submit a cost estimate for closure. For purposes of this chapter, a cost estimate for closure (or closure cost estimate) means a document that specifies the estimated cost of closing a universal waste treatment facility, and it includes the respective costs of universal-waste inventory disposition, equipment decontamination or removal, laboratory testing, and other relevant costs. The cost estimate for closure shall address closing the universal waste treatment unit(s), shall be prepared pursuant to the closure plan required pursuant to subsection (a)(1) of this section, and shall:

(A) Conform with subparagraphs (A)1. and (A)2. of this subsection (b)(1):

1. Do both of the following:

a. Include the estimated cost to decontaminate or to remove from the facility, at the time of closure, each universal waste treatment unit and all other items designated in the closure plan in accordance with subsection (a)(1)(A) of this section. The portion of such estimated cost that is attributable to decontaminating or removing universal wastes and universal waste treatment residuals shall be based on the estimated maximum inventory of those wastes and residuals, excluding residual printed circuit boards, and/or the residuals thereof, that have been determined to be exempt scrap metal pursuant to section 66273.71, subsection (e), section 66273.72, subsection (a)(3), or section 66273.75, subsection (c)(1)(C), ever to be present onsite, as designated in the closure plan in accordance with subsection (a)(1)(C) of this section.

b. Be based on the cost to the universal waste handler of hiring a third party to close the facility. When used in this section, a "third party" means a person who is neither a parent corporation, as defined in section 66260.10, nor a subsidiary of the person who is the universal waste handler.

2. Not do either of the following:

a. Incorporate any salvage value that may be realized from the sale of hazardous waste including universal waste, nonhazardous waste, facility structures or equipment, land, or other assets associated with the facility at the time of closure; or

b. Incorporate a zero cost for hazardous waste including universal waste, or nonhazardous waste, even if those wastes have economic value.

(2) At least annually, a universal waste handler shall adjust the closure cost estimate for inflation within 60 calendar days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with subsection (d) of this section. For a universal waste handler using the financial test or corporate guarantee, the closure cost estimate shall be updated for inflation within 90 calendar days after the close of the universal waste handler's fiscal year and before submission of updated information to the Department as specified in section 66265.143, subsection (e)(3). The adjustment shall be made by recalculating the closure cost estimate in current dollars, or by using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product published by the U.S. Department of Commerce in its Survey of Current Business, as specified in section 66265.142, subsections (b)(1) and (2). The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

(3) A universal waste handler shall revise the closure cost estimate no later than 30 days after any revision has been made to the closure plan pursuant to subsection (a)(2) of this section which increases the cost of closure.

(4) A universal waste handler shall keep at the universal waste treatment facility during the facility's operating life, the latest closure cost estimate prepared for the facility in accordance with subsection (b)(1) of this section.

(5) Notwithstanding subsection (b)(2) of this section, universal waste handlers who notify the Department of their intent to conduct one or more of the treatment activities described in section 66273.73, subsections (a)(2) and (b) on or before [OAL to insert the effective date of these regulations], shall submit a revised cost estimate for closure as required by this subsection on or before December 31, 2008.

(c) Financial responsibility for liability.

A universal waste handler shall prepare and submit documentation demonstrating financial responsibility for liability pursuant to section 66265.147.

(d) Financial assurance.

A universal waste handler shall prepare and submit documentation demonstrating financial assurance for closure to fund the cost estimate for closure, pursuant to section 66265.143, subsections (a) through (h).

(e) The documents submitted pursuant to this section shall be dated, signed, and certified according to the requirements of section 66270.11, subsections (a) and (d) as those requirements apply to permit applications and permit-application certifications, respectively.

(f) When submitted to the Department, the documents required pursuant to this section shall be sent by certified mail, return receipt requested, to the following address: Department of Toxic Substances Control, Universal Waste Notification and Reporting Staff, P.O. Box 806, Sacramento, CA 95812-0806, with the words "Attention: Universal Waste Handling Activities, Authorized Treatment" prominently displayed on the front of the envelope.

NOTE: Authority cited: Sections 25141, 25150, 25201, 25214.9, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25212, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code.

HISTORY

1. New section filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.77. Closure of Universal Waste Treatment Facilities.

(a) Closure notification.

A universal waste handler who intends to close a universal waste treatment facility or any universal waste treatment unit, including universal waste units that also treat residual printed circuit boards that have been determined to be exempt scrap metal pursuant to section 66273.71, subsection (e), section 66273.72, subsection (a)(3), or section 66273.75, subsection (c)(1)(C), and who conducts any of the treatment activities described in section 66273.73, subsection (a)(2) or (b) shall:

(1) Submit to the Department in the manner and at the address given in subsections (c) and (d) of this section, a notification containing the following information:

(A) The date of the last day on which the universal waste handler intends to conduct the treatment activities specified in section 66273.73, subsection (a)(2) or (b);

(B) The date of the last day on which the universal waste handler intends to conduct handling activities other than the treatment activities specified in section 66273.73, subsection (a)(2) or (b) at the facility, if applicable; and

(C) The date the universal waste handler intends to complete the closure activities described in the handler's closure plan and/or, if applicable, vacate the facility.

(2) Submit the required notification to the Department within 30 calendar days before the earliest applicable date specified pursuant to subsection (a)(1) of this section.

(b) Department response to closure notification.

(1) Upon receipt of the closure notification, the Department shall notify the universal waste handler in writing whether the universal waste handler is required to continue to maintain financial assurance for closure of the facility. The Department shall send such notification within 60 calendar days after completion of the later of the following:

(A) Receipt by the Department of a summary of closure activities completed by the universal waste handler, including both of the following:

1. Any sample data submitted by the universal waste handler confirming that all units, surfaces, and areas have been decontaminated. The submittal shall include a facility plot plan that identifies where the samples were taken.

2. A letter from the universal waste handler that provides self-certification that the facility has been closed pursuant to the universal waste handler's closure plan required by section 66273.76, subsection (a)(1). The letter shall include the date(s) when the applicable events described in subsections (a)(1) through (a)(2) above actually occurred; or

(B) A facility inspection report, if issued by the Department, verifying closure of the facility pursuant to the universal waste handler's closure plan required by section 66273.76, subsection (a)(1).

(2) If, based on the information obtained pursuant to subsection (b)(1) of this section, the Department finds that closure of the facility has not been completed in accordance with the universal waste handler's closure plan, the Department shall provide to the universal waste handler in writing, a detailed written statement setting forth:

(A) the Department's reason(s) for that finding; and

(B) the Department's request for additional information to be provided by the universal waste handler to demonstrate that the closure activities necessary to close the facility pursuant to the universal waste handler's closure plan, as submitted pursuant to section 66273.76, have been completed.

(c) The documents submitted pursuant to this section shall be dated, signed, and certified according to the requirements of section 66270.11, subsections (a) and (d) as those requirements apply to permit applications and permit-application certifications, respectively.

(d) When submitted to the Department, documents required pursuant to this section shall be sent by certified

mail, return receipt requested, to the following address: Department of Toxic Substances Control, Universal Waste Notification and Reporting Staff, P.O. Box 806, Sacramento, CA 95812-0806, with the words "Attention: Universal Waste Handling Activities" prominently displayed on the front of the envelope.

NOTE: Authority cited: Sections 25141, 25150, 25201, 25214.9, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25212, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code.

HISTORY

1. New section filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§ 66273.80. [Reserved.]

Note: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.

HISTORY

1. New article 7 (sections 66273.80-66273.90) and section filed 8-3-2001 as an emergency; operative 8-3-2001 (Register 2001, No. 31). A Certificate of Compliance must be transmitted to OAL by 12-3-2001 or emergency language will be repealed by operation of law on the following day.
2. New article 7 (sections 66273.80-66273.90) and section refiled 11-30-2001 as an emergency; operative 11-30-2001 (Register 2001, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-2-2002 or emergency language will be repealed by operation of law on the following day.
3. New article 7 (sections 66273.80-66273.90) and section refiled 3-26-2002 as an emergency; operative 4-12-2002 (Register 2002, No. 13). A Certificate of Compliance must be transmitted to OAL by 8-12-2002 or emergency language will be repealed by operation of law on the following day.
4. New article 7 (sections 66273.80-66273.90) and section refiled 8-6-2002 as an emergency; operative 8-6-2002 (Register 2002, No. 32). A Certificate of Compliance must be transmitted to OAL by 12-4-2002 or emergency language will be repealed by operation of law on the following day.
5. New article 7 (sections 66273.80-66273.90) and section refiled 11-25-2002 as an emergency; operative 12-5-2002 (Register 2002, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-4-2003 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11-25-2002 order, including amendment of section and Note, transmitted to OAL 12-24-2002 and filed 2-3-2003 (Register 2003, No. 6).
7. Amendment deleting article 7 heading and repealing section filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§ 66273.81. [Reserved.]

Note: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.

HISTORY

1. New section filed 8-3-2001 as an emergency; operative 8-3-2001 (Register 2001, No. 31). A Certificate of Compliance must be transmitted to OAL by 12-3-2001 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 11-30-2001 as an emergency; operative 11-30-2001 (Register 2001, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-2-2002 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-26-2002 as an emergency; operative 4-12-2002 (Register 2002, No. 13). A Certificate of Compliance must be transmitted to OAL by 8-12-2002 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 8-6-2002 as an emergency; operative 8-6-2002 (Register 2002, No. 32). A Certificate of Compliance must be transmitted to OAL by 12-4-2002 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 11-25-2002 as an emergency; operative 12-5-2002

(Register 2002, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-4-2003 or emergency language will be repealed by operation of law on the following day.

6. Certificate of Compliance as to 11-25-2002 order, including amendment of Note, transmitted to OAL 12-24-2002 and filed 2-3-2003 (Register 2003, No. 6).

7. Repealer filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.82. [Reserved.]

Note: Authority cited: Sections 25141, 25150, 25150.6, 25201, 25214.9, 25214.10.2 and 58012, Health and Safety Code; and Sections 42475.1 and 42475.2, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201 and 25214.9, Health and Safety Code.

HISTORY

1. New section filed 8-3-2001 as an emergency; operative 8-3-2001 (Register 2001, No. 31). A Certificate of Compliance must be transmitted to OAL by 12-3-2001 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 11-30-2001 as an emergency; operative 11-30-2001 (Register 2001, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-2-2002 or emergency language will be repealed by operation of law on the following day.

3. New section refiled 3-26-2002 as an emergency; operative 4-12-2002 (Register 2002, No. 13). A Certificate of Compliance must be transmitted to OAL by 8-12-2002 or emergency language will be repealed by operation of law on the following day.

4. New section refiled 8-6-2002 as an emergency; operative 8-6-2002 (Register 2002, No. 32). A Certificate of Compliance must be transmitted to OAL by 12-4-2002 or emergency language will be repealed by operation of law on the following day.

5. New section refiled 11-25-2002 as an emergency; operative 12-5-2002 (Register 2002, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-4-2003 or emergency language will be repealed by operation of law on the following day.

6. Certificate of Compliance as to 11-25-2002 order, including amendment of section and Note, transmitted to OAL 12-24-2002 and filed 2-3-2003 (Register 2003, No. 6).

7. Amendment of section heading, section and Note filed 6-7-2004 as an emergency; operative 6-7-2004 (Register 2004, No. 24). Pursuant to Public Resources Code section 42475.2, a Certificate of Compliance must be transmitted to OAL by 6-7-2006 or emergency language will be repealed by operation of law on the following day.

8. Amendment of section heading, section and Note refiled 6-5-2006 as an emergency, including further amendment of Note; operative 6-5-2006 (Register 2006, No. 23). Pursuant to Health and Safety Code section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.

9. Amendment of section heading, section and Note refiled 5-8-2008 as an emergency; operative 5-8-2008 (Register 2008, No. 19). Pursuant to Health and Safety Code section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.

10. Certificate of Compliance as to 5-8-2008 order, including repealer of section, transmitted to OAL 12-19-2008 and filed 2-4-2009 (Register 2009, No. 6).

11. Editorial correction of History 10 (Register 2009, No. 10.)

§66273.83. [Reserved.]

Note: Authority cited: Sections 25141, 25150, 25150.6, 25201, 25214.9, 25214.10.2 and 58012, Health and Safety Code; and Sections 42475.1 and 42475.2, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201 and 25214.9, Health and Safety Code.

HISTORY

1. New section filed 8-3-2001 as an emergency; operative 8-3-2001 (Register

- 2001, No. 31). A Certificate of Compliance must be transmitted to OAL by 12-3-2001 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 11-30-2001 as an emergency; operative 11-30-2001 (Register 2001, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-2-2002 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-26-2002 as an emergency; operative 4-12-2002 (Register 2002, No. 13). A Certificate of Compliance must be transmitted to OAL by 8-12-2002 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 8-6-2002 as an emergency; operative 8-6-2002 (Register 2002, No. 32). A Certificate of Compliance must be transmitted to OAL by 12-4-2002 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 11-25-2002 as an emergency; operative 12-5-2002 (Register 2002, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-4-2003 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11-25-2002 order, including amendment of section and Note, transmitted to OAL 12-24-2002 and filed 2-3-2003 (Register 2003, No. 6).
7. Amendment of section and Note filed 6-7-2004 as an emergency; operative 6-7-2004 (Register 2004, No. 24). Pursuant to Public Resources Code section 42475.2, a Certificate of Compliance must be transmitted to OAL by 6-7-2006 or emergency language will be repealed by operation of law on the following day.
8. Editorial correction of subsection (d)(1)(A)2.a. (Register 2004, No. 30).
9. Amendment of section and Note refiled 6-5-2006 as an emergency, including further amendment of Note; operative 6-5-2006 (Register 2006, No. 23). Pursuant to Health and Safety Code section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.
10. Amendment of section and Note refiled 5-8-2008 as an emergency; operative 5-8-2008 (Register 2008, No. 19). Pursuant to Health and Safety Code section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.
11. Certificate of Compliance as to 5-8-2008 order, including repealer of section, transmitted to OAL 12-19-2008 and filed 2-4-2009 (Register 2009, No. 6).
12. Editorial correction of History 11 (Register 2009, No. 10.)

§66273.84. [Reserved.]

Note: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.

HISTORY

1. New section filed 8-3-2001 as an emergency; operative 8-3-2001 (Register 2001, No. 31). A Certificate of Compliance must be transmitted to OAL by 12-3-2001 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 11-30-2001 as an emergency; operative 11-30-2001 (Register 2001, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-2-2002 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-26-2002 as an emergency; operative 4-12-2002 (Register 2002, No. 13). A Certificate of Compliance must be transmitted to OAL by 8-12-2002 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 8-6-2002 as an emergency; operative 8-6-2002 (Register 2002, No. 32). A Certificate of Compliance must be transmitted to OAL by 12-4-2002 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 11-25-2002 as an emergency; operative 12-5-2002

(Register 2002, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-4-2003 or emergency language will be repealed by operation of law on the following day.

6. Certificate of Compliance as to 11-25-2002 order, including repealer and new section and amendment of Note, transmitted to OAL 12-24-2002 and filed 2-3-2003 (Register 2003, No. 6).

7. Certificate of Compliance as to 5-8-2008 order, including repealer of section, transmitted to OAL 12-19-2008 and filed 2-4-2009 (Register 2009, No. 6).

8. Editorial correction of History 7 (Register 2009, No. 10.)

§66273.85. [Reserved.]

Note: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.

HISTORY

1. New section filed 8-3-2001 as an emergency; operative 8-3-2001 (Register 2001, No. 31). A Certificate of Compliance must be transmitted to OAL by 12-3-2001 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 11-30-2001 as an emergency; operative 11-30-2001 (Register 2001, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-2-2002 or emergency language will be repealed by operation of law on the following day.

3. New section refiled 3-26-2002 as an emergency; operative 4-12-2002 (Register 2002, No. 13). A Certificate of Compliance must be transmitted to OAL by 8-12-2002 or emergency language will be repealed by operation of law on the following day.

4. New section refiled 8-6-2002 as an emergency; operative 8-6-2002 (Register 2002, No. 32). A Certificate of Compliance must be transmitted to OAL by 12-4-2002 or emergency language will be repealed by operation of law on the following day.

5. New section refiled 11-25-2002 as an emergency; operative 12-5-2002 (Register 2002, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-4-2003 or emergency language will be repealed by operation of law on the following day.

6. Certificate of Compliance as to 11-25-2002 order, including amendment of subsection (a) and Note, transmitted to OAL 12-24-2002 and filed 2-3-2003 (Register 2003, No. 6).

7. Certificate of Compliance as to 5-8-2008 order, including repealer of section, transmitted to OAL 12-19-2008 and filed 2-4-2009 (Register 2009, No. 6).

8. Editorial correction of History 7 (Register 2009, No. 10.)

§66273.86. [Reserved.]

Note: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.

HISTORY

1. New section filed 8-3-2001 as an emergency; operative 8-3-2001 (Register 2001, No. 31). A Certificate of Compliance must be transmitted to OAL by 12-3-2001 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 11-30-2001 as an emergency; operative 11-30-2001 (Register 2001, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-2-2002 or emergency language will be repealed by operation of law on the following day.

3. New section refiled 3-26-2002 as an emergency; operative 4-12-2002 (Register 2002, No. 13). A Certificate of Compliance must be transmitted to OAL by 8-12-2002 or emergency language will be repealed by operation of law on the following day.

4. New section refiled 8-6-2002 as an emergency; operative 8-6-2002 (Register 2002, No. 32). A Certificate of Compliance must be transmitted to OAL by 12-4-2002 or emergency language will be repealed by operation of law on the following day.

5. New section refiled 11-25-2002 as an emergency; operative 12-5-2002 (Register 2002, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-4-2003 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11-25-2002 order, including amendment of section and Note, transmitted to OAL 12-24-2002 and filed 2-3-2003 (Register 2003, No. 6).
7. Certificate of Compliance as to 5-8-2008 order, including repealer of section, transmitted to OAL 12-19-2008 and filed 2-4-2009 (Register 2009, No. 6).
8. Editorial correction of History 7 (Register 2009, No. 10.)

§66273.87. [Reserved.]

Note: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.

HISTORY

1. New section filed 8-3-2001 as an emergency; operative 8-3-2001 (Register 2001, No. 31). A Certificate of Compliance must be transmitted to OAL by 12-3-2001 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 11-30-2001 as an emergency; operative 11-30-2001 (Register 2001, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-2-2002 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-26-2002 as an emergency; operative 4-12-2002 (Register 2002, No. 13). A Certificate of Compliance must be transmitted to OAL by 8-12-2002 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 8-6-2002 as an emergency; operative 8-6-2002 (Register 2002, No. 32). A Certificate of Compliance must be transmitted to OAL by 12-4-2002 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 11-25-2002 as an emergency; operative 12-5-2002 (Register 2002, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-4-2003 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11-25-2002 order, including new subsection (c) and amendment of Note, transmitted to OAL 12-24-2002 and filed 2-3-2003 (Register 2003, No. 6).
7. Certificate of Compliance as to 5-8-2008 order, including repealer of section, transmitted to OAL 12-19-2008 and filed 2-4-2009 (Register 2009, No. 6).
8. Editorial correction of History 7 (Register 2009, No. 10.)

§66273.88. [Reserved.]

Note: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.

HISTORY

1. New section filed 8-3-2001 as an emergency; operative 8-3-2001 (Register 2001, No. 31). A Certificate of Compliance must be transmitted to OAL by 12-3-2001 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 11-30-2001 as an emergency; operative 11-30-2001 (Register 2001, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-2-2002 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-26-2002 as an emergency; operative 4-12-2002 (Register 2002, No. 13). A Certificate of Compliance must be transmitted to OAL by 8-12-2002 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 8-6-2002 as an emergency; operative 8-6-2002 (Register 2002, No. 32). A Certificate of Compliance must be transmitted to OAL by 12-4-2002 or emergency language will be repealed by operation of law on the

following day.

5. New section refiled 11-25-2002 as an emergency; operative 12-5-2002 (Register 2002, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-4-2003 or emergency language will be repealed by operation of law on the following day.

6. Certificate of Compliance as to 11-25-2002 order, including amendment of subsection (h) and amendment of Note, transmitted to OAL 12-24-2002 and filed 2-3-2003 (Register 2003, No. 6).

7. Certificate of Compliance as to 5-8-2008 order, including repealer of section, transmitted to OAL 12-19-2008 and filed 2-4-2009 (Register 2009, No. 6).

8. Editorial correction of History 7 (Register 2009, No. 10.)

§66273.89. [Reserved.]

Note: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code..

HISTORY

1. New section filed 8-3-2001 as an emergency; operative 8-3-2001 (Register 2001, No. 31). A Certificate of Compliance must be transmitted to OAL by 12-3-2001 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 11-30-2001 as an emergency; operative 11-30-2001 (Register 2001, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-2-2002 or emergency language will be repealed by operation of law on the following day.

3. New section refiled 3-26-2002 as an emergency; operative 4-12-2002 (Register 2002, No. 13). A Certificate of Compliance must be transmitted to OAL by 8-12-2002 or emergency language will be repealed by operation of law on the following day.

4. New section refiled 8-6-2002 as an emergency; operative 8-6-2002 (Register 2002, No. 32). A Certificate of Compliance must be transmitted to OAL by 12-4-2002 or emergency language will be repealed by operation of law on the following day.

5. New section refiled 11-25-2002 as an emergency; operative 12-5-2002 (Register 2002, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-4-2003 or emergency language will be repealed by operation of law on the following day.

6. Certificate of Compliance as to 11-25-2002 order, including amendment of Note, transmitted to OAL 12-24-2002 and filed 2-3-2003 (Register 2003, No. 6).

7. Certificate of Compliance as to 5-8-2008 order, including repealer of section, transmitted to OAL 12-19-2008 and filed 2-4-2009 (Register 2009, No. 6).

8. Editorial correction of History 7 (Register 2009, No. 10.)

§66273.90. [Reserved.]

Note: Authority cited: Sections 25141, 25150, 25150.2, 25150.6, 25201, 25214.9, 25214.10.2 and 58012, Health and Safety Code; and Sections 42475.1 and 42475.2, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201 and 25214.9, Health and Safety Code; and Section 42476.5, Public Resources Code..

HISTORY

1. New section filed 8-3-2001 as an emergency; operative 8-3-2001 (Register 2001, No. 31). A Certificate of Compliance must be transmitted to OAL by 12-3-2001 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 11-30-2001 as an emergency; operative 11-30-2001 (Register 2001, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-2-2002 or emergency language will be repealed by operation of law on the following day.

3. New section refiled 3-26-2002 as an emergency; operative 4-12-2002 (Register 2002, No. 13). A Certificate of Compliance must be transmitted to OAL by 8-12-2002 or emergency language will be repealed by operation of law on the

following day.

4. New section refiled 8-6-2002 as an emergency; operative 8-6-2002 (Register 2002, No. 32). A Certificate of Compliance must be transmitted to OAL by 12-4-2002 or emergency language will be repealed by operation of law on the following day.

5. New section refiled 11-25-2002 as an emergency; operative 12-5-2002 (Register 2002, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-4-2003 or emergency language will be repealed by operation of law on the following day.

6. Certificate of Compliance as to 11-25-2002 order, including repealer and new section and amendment of Note, transmitted to OAL 12-24-2002 and filed 2-3-2003 (Register 2003, No. 6).

7. Amendment of section and Note filed 6-7-2004 as an emergency; operative 6-7-2004 (Register 2004, No. 24). Pursuant to Public Resources Code section 42475.2, a Certificate of Compliance must be transmitted to OAL by 6-7-2006 or emergency language will be repealed by operation of law on the following day.

8. Amendment of section and Note refiled 6-5-2006 as an emergency, including further amendment of Note; operative 6-5-2006 (Register 2006, No. 23). Pursuant to Health and Safety Code section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.

9. Amendment of section and Note refiled 5-8-2008 as an emergency; operative 5-8-2008 (Register 2008, No. 19). Pursuant to Health and Safety Code section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.

10. Certificate of Compliance as to 5-8-2008 order, including repealer of section, transmitted to OAL 12-19-2008 and filed 2-4-2009 (Register 2009, No. 6).

11. Editorial correction of History 10 (Register 2009, No. 10.)